

**U.S. District Court
District of New Hampshire (Concord)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-00241-JD-2**

Case title: USA v. Say et al
Magistrate judge case number: 1:05-mj-00090-JM

Date Filed: 11/09/2005
Date Terminated: 08/07/2006

Assigned to: Judge Joseph A. DiClerico, Jr

Defendant (2)

Sam Rach Chan
TERMINATED: 08/07/2006

represented by **Richard F. Monteith , Jr.**
Monteith Law Office
14 Londonderry Rd
Londonderry, NH 03053
603 437-2733
Email: rmonte1924@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:846 CONSPIRACY TO DISTRIBUTE
COCAINE IN EXCESS OF 5
KILOGRAMS, AND MARIJUANA IN
VIOLATION OF 21:841(a)(1), 841(b)
(1)(A)(ii), and 841(b)(1)(C)
(1s)

21:841(a)(1); 18:2 AIDING AND
ABETTING THE DISTRIBUTION OF
COCAINE
(3s-6s)

Highest Offense Level (Opening)

Felony

Terminated Counts

21 USC 841(a)(1), 841(b)(1)(A)(ii), 841(b)
(1)(C) and 846 Conspiracy to Distribute
Cocaine in Excess of 5 Kilograms and
Marijuana
(1)

Disposition

Imprisonment 70 months. Recommended
deft participate in intensive drug ed and
treatment program and he be assigned to a
facility close to the New England area.
Supervised Release 4 years w/standard and
special conditions. Penalty Assessment
\$100 due immediately.

Dismissed.

Disposition

Superseding Indictment filed

21 USC 841(a)(1) and 18 USC 2 Aiding and
Abetting the Distribution of Cocaine
(3-6)

Superseding Indictment filed

Highest Offense Level (Terminated)

Felony

Complaints

21:846 CONSPIRACY TO DISTRIBUTE
CONTROLLED SUBSTANCES
ECSTASY, MARIJUANA AND COCAINE

Disposition

Plaintiff

USA

represented by **Mark E. Howard-USA**
US Attorney's Office (NH)
James C. Cleveland Federal Building
53 Pleasant St, 4th Flr
Concord, NH 03301-0001
603 225-1552
Email: USANH.ECFCriminal@usdoj.gov
TERMINATED: 09/29/2006
LEAD ATTORNEY

Robert M. Kinsella
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/03/2005		Arrest Warrant Issued as to Sam Rach Chan by Judge James R. Muirhead. Original warrant and copies to US Marshal and US Probation. (amm,) [1:05-mj-00090-JM] (Entered: 09/26/2005)
08/08/2005		Minute Entry for proceedings held before Judge James R. Muirhead :INITIAL APPEARANCE as to Sam Rach Chan held on 8/8/2005. Defendant sworn and advised of rights & charges. Court approves financial affidavit. (Tape #1:44 588-771) (Govt Atty: Mark Howard) (Defts Atty: Paul Garrity) (USP: Chris Pingree)(Total Hearing Time: 5 min) (amm,) [1:05-mj-00090-JM] (Entered: 08/10/2005)
08/08/2005	<u>6</u>	MOTION to Appoint Counsel with Financial Declaration. by Sam Rach Chan. <i>Original document available in clerks office.</i> (jab,) [1:05-mj-00090-JM] (Entered: 08/10/2005)

08/08/2005		ENDORSED ORDER approving <u>6</u> Motion to Appoint Counsel as to Sam Rach Chan (3). Text of Order: Request Approved. Appoint counsel. So Ordered by Judge James R. Muirhead. (jab,) [1:05-mj-00090-JM] (Entered: 08/10/2005)
08/08/2005	<u>7</u>	ORDER OF TEMPORARY DETENTION as to Sam Rach Chan. Detention Hearing set for 8/10/2005 01:30 PM before Magistrate Judge James R. Muirhead. So Ordered by Judge James R. Muirhead. (jab,) [1:05-mj-00090-JM] (Entered: 08/10/2005)
08/08/2005	37	CJA 20 as to Sam Rach Chan: Appointment of Attorney Richard F. Monteith, Jr for Sam Rach Chan for criminal case. Signed by Clerk James R. Starr. Follow up on submission of CJA Voucher on 2/6/2006.amm,) [1:05-mj-00090-JM] (Entered: 08/19/2005)
08/10/2005		Minute Entry for proceedings held before Judge James R. Muirhead :DETENTION HEARING as to Sam Rach Chan held on 8/10/2005. Deft stipulated to detention Interpreter: Bory Kim. (Tape #1:48) (Govt Atty: Mark Howard) (Defts Atty: Richard Monteith) (USP: Jodi Lines)(Total Hearing Time: 5 min) (amm,) [1:05-mj-00090-JM] (Entered: 08/10/2005)
08/10/2005	<u>28</u>	WAIVER of Preliminary Examination or Hearing by Sam Rach Chan. (amm,) [1:05-mj-00090-JM] (Entered: 08/10/2005)
08/10/2005	<u>29</u>	STIPULATION TO DETENTION and WAIVER of Detention Hearing without prejudice as to Sam Rach Chan. Approved by Magistrate Judge James R. Muirhead. (amm,) [1:05-mj-00090-JM] (Entered: 08/10/2005)
08/18/2005	<u>41</u>	Arrest Warrant Returned Executed on 8/8/05 as to Sam Rach Chan. (amm,) [1:05-mj-00090-JM] (Entered: 08/22/2005)
10/04/2005	<u>62</u>	MOTION for Bail by Sam Rach Chan. Follow up on Objection on 10/24/2005 (Monteith, Richard) [1:05-mj-00090-JM] (Entered: 10/04/2005)
10/05/2005		NOTICE OF HEARING as to Sam Rach Chan: Bail Hearing set for 10/13/2005 10:00 AM before Magistrate Judge James R. Muirhead. (amm,) [1:05-mj-00090-JM] (Entered: 10/05/2005)
10/13/2005		Minute Entry for proceedings held before Judge James R. Muirhead :BAIL HEARING as to Sam Rach Chan held on 10/13/2005. (Tape #10:11) (Govt Atty: Mark Howard) (Defts Atty: Richard Monteith) (USP: Jodi Lines)(Total Hearing Time: 30 min) (amm,) [1:05-mj-00090-JM] (Entered: 10/13/2005)
10/13/2005		ORAL ORDER denying <u>62</u> Motion for Bail as to Sam Rach Chan (3). So Ordered by Judge James R. Muirhead. (amm,) [1:05-mj-00090-JM] (Entered: 10/13/2005)
10/13/2005	<u>64</u>	ORDER OF DETENTION as to Sam Rach Chan. So Ordered by Judge James R. Muirhead. (amm,) [1:05-mj-00090-JM] (Entered: 10/13/2005)
11/09/2005	<u>69</u>	Praecipe for Warrant by USA as to Sam Rach Chan. (dae,) Modified on 11/18/2005 to change date of filing to 11/9 from 11/15(dae,). (Entered: 11/15/2005)
11/16/2005		NOTICE OF HEARING as to Sam Rach Chan: Arraignment set for 11/21/2005 11:00 AM before Magistrate Judge James R. Muirhead. (jgb,) (Entered: 11/16/2005)
11/21/2005		Minute Entry for proceedings held before Judge James R. Muirhead :ARRAIGNMENT as to Sam Rach Chan (2) Count 1,3-6 held on 11/21/2005. Defendant waived reading of indictment and pled not guilty. Trial Date: 1/18/06, 3-4

		days.. (Tape #11:22) (Govt Atty: Mark Zuckerman) (Defts Atty: Richard Monteith) (Total Hearing Time: :01)(CJA Time: :23) (jgb,) (Entered: 11/21/2005)
01/04/2006		TRIAL NOTICE: Jury Selection/Trial reset for two week period beginning 3/21/2006 09:30 AM before Judge Joseph A. DiClerico Jr. as to Sam Rach Chan and Sim Say.(dae,) (Entered: 01/04/2006)
01/11/2006	<u>73</u>	Arrest Warrant Returned Executed on 11/21/05 as to Sam Rach Chan. (dae,) (Entered: 01/11/2006)
03/01/2006	<u>77</u>	SUPERSEDING INDICTMENT as to Sim Say (1) count(s) 1s, 2s, Sam Rach Chan (2) count(s) 1s, 3s-6s, Virak Tin (3) count(s) 1, Sothear Kim (4) count(s) 1, Moun Chan (5) count(s) 1, Christopher Cote (6) count(s) 1, Nathan Cutter (7) count(s) 1, Michael Ducharme (8) count(s) 1, Christopher Knight (9) count(s) 1. <i>Original document available in clerks office.</i> (jgb,) Modified on 2/8/2010 to add: unsealed per Order 5/9/06. (dae). (Entered: 03/03/2006)
03/01/2006	<u>79</u>	Praeipie for Warrant by USA as to Sam Rach Chan. (jgb,) (Entered: 03/03/2006)
05/03/2006		NOTICE OF HEARING as to Sam Rach Chan: Change of Plea Hearing set for 5/9/2006 10:00 AM before Judge Joseph A. DiClerico Jr. (dae,) (Entered: 05/03/2006)
05/03/2006	<u>120</u>	PLEA AGREEMENT as to Sam Rach Chan. (dae,) (Entered: 05/03/2006)
05/09/2006		Minute Entry for proceedings held before Judge Joseph A. DiClerico Jr:CHANGE OF PLEA HEARING held on 5/9/2006 as to Sam Rach Chan (2) Guilty Count 1s. Court accepts plea. (Court Reporter: C. Quimby) (Govt Atty: Mark Howard) (Defts Atty: Richard Monteith) (USP: Melissa Elworthy)(Total Hearing Time: 25 minutes)(CJA Time: 35 minutes) (dae,) (Entered: 05/09/2006)
05/09/2006		ORAL ORDER granting Oral Motion to Unseal Indictment as to Sam Rach Chan (2) and all other co-defendants. So Ordered by Judge Joseph A. DiClerico Jr. (dae,) (Entered: 05/09/2006)
05/09/2006		NOTICE OF HEARING as to Sam Rach Chan: Sentencing set for 8/7/2006 09:30 AM before Judge Joseph A. DiClerico Jr. (dae,) (Entered: 05/09/2006)
05/09/2006		NOTICE to Attorneys of Record: The case has been unsealed. Counsel should file their pleadings electronically. Any Waivers of Speedy Trial, Ex Parte or Sealed Motions, however, must still be conventionally filed. (dae,) (Entered: 05/10/2006)
06/07/2006	<u>130</u>	Arrest Warrant Returned Unexecuted as to Sam Rach Chan. (dae,) (Entered: 06/08/2006)
08/02/2006	<u>143</u>	SENTENCING MEMORANDUM by Sam Rach Chan. (Monteith, Richard) (Entered: 08/02/2006)
08/02/2006	<u>144</u>	MOTION to Strike <u>143</u> Sentencing Memorandum by USA as to Sam Rach Chan Follow up on Objection on 8/22/2006 (Howard, Mark) (Entered: 08/02/2006)
08/07/2006		Minute Entry for proceedings held before Judge Joseph A. DiClerico Jr:SENTENCING held on 8/7/2006 for Sam Rach Chan (2) Sentenced on Count 1s. Fine waived. Appeal rights to defendant. (Court Reporter: D. Churas) (Govt Atty: Mark Howard) (Defts Atty: Richard Monteith) (USP: Melissa Elworthy)(Total Hearing Time: 16 minutes)(CJA Time: 23 minutes) (dae,) (Entered: 08/07/2006)

08/07/2006		ENDORSED ORDER terminating <u>144</u> Motion to Strike Defendant's Sentencing Memorandum as to Sam Rach Chan (2). <i>Text of Order: Plea agreement precludes a criminal history adjustment. Even if such an adjustment were permitted the Court declines in its discretion to make it.</i> So Ordered by Judge Joseph A. DiClerico Jr. (dae,) (Entered: 08/07/2006)
08/07/2006	<u>145</u>	JUDGMENT as to Sam Rach Chan (2), Count(s) 1, 3-6: Superseding Indictment filed; Count 1s: Imprisonment 70 months. Recommended deft participate in intensive drug ed and treatment program and he be assigned to a facility close to the New England area. Supervised Release 4 years w/standard and special conditions. Penalty Assessment \$100 due immediately. Count(s) 3s-6s: Dismissed. So Ordered by Judge Joseph A. DiClerico Jr. (dae,) (Entered: 08/08/2006)
08/17/2006	<u>146</u>	CJA 20 as to Sam Rach Chan: Authorization to Pay Richard Monteith, Esq. \$5,609.91 for Criminal Case. So Ordered by Judge Joseph A. DiClerico Jr. <i>Original document available in clerks office.</i> (jeb,) (Entered: 08/21/2006)
09/27/2006	<u>156</u>	CJA 21 as to Sam Rach Chan: Authorization to Pay David McClanahan d/b/a Double Eagle Investigations \$2,831.25 for Expert Services. Defense Counsel: Richard Monteith, Esq.Certified by Judge Joseph A. DiClerico Jr. on 8/24/06; approved by CCA Judge Jeffrey Howard on 9/20/06. <i>Original document available in clerks office.</i> (jeb,) (Entered: 09/27/2006)
09/29/2006	<u>157</u>	NOTICE OF ATTORNEY APPEARANCE Robert M. Kinsella appearing for USA. (Kinsella, Robert) (Entered: 09/29/2006)
09/29/2006	<u>158</u>	Notice to Substitute Attorney. Added attorney Robert M. Kinsella. Attorney Mark E. Howard terminated. (Kinsella, Robert) (Entered: 09/29/2006)
10/19/2006	<u>161</u>	Judgment Returned Executed as to Sam Rach Chan on 10/12/06. (dae,) (Entered: 10/19/2006)
01/17/2007	<u>179</u>	Assented to MOTION to Continue Trial 2/5/07 (Waiver of Speedy Trial to be filed conventionally) by Michael Ducharme as to Sim Say, Sam Rach Chan, Virak Tin, Sothear Kim, Moun Chan, Christopher Cote, Nathan Cutter, Michael Ducharme, Christopher Knight Miscellaneous Deadline set for 1/26/2007. (Smith, Michael) (Entered: 01/17/2007)
07/31/2007	<u>210</u>	Assented to MOTION to Continue Trial 60 days (Waiver of Speedy Trial to be filed conventionally)by Virak Tin as to Sim Say, Sam Rach Chan, Virak Tin, Sothear Kim, Moun Chan, Christopher Cote, Nathan Cutter, Michael Ducharme, Christopher Knight Miscellaneous Deadline set for 8/13/2007. (Dennehy, James) (Entered: 07/31/2007)
01/07/2008		LEDGER Entry as to Sam Rach Chan: Special Assessment paid in full, amount \$100.00. Original ledger retained by financial division. (dae) (Entered: 01/08/2008)
12/01/2010	<u>248</u>	Probation Jurisdiction Transferred to Maine as to Sam Rach Chan. Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (dae) (Entered: 12/01/2010)

